

Facility Reported Incident (FRI) Investigations

Cheryl Howlett, MS, BSN, RN

Manager, Federal Survey and Certification Division

State of Michigan

howlettc@michigan.gov

CUSTOMER DRIVEN. BUSINESS MINDED.

1

Objectives

- 1. Describe the required elements of an abuse prevention policy
- 2. Recognize a thorough abuse investigation
- 3. Describe the LARA Facility Reported Incident Investigation Guide



CUSTOMER DRIVEN, BUSINESS MINDED.

F-607 Develop/Implement Abuse/Neglect, etc. Policies

- §483.12(b) The facility must develop and implement written policies and procedures that:
- §483.12(b)(1) Prohibit and prevent abuse, neglect, and exploitation of residents and misappropriation of resident property,
- §483.12(b)(2) Establish policies and procedures to investigate any such allegations, and



CUSTOMER DRIVEN. BUSINESS MINDED.

3

F 607 cont.

- §483.12(b)(3) Include training as required at paragraph §483.95,
- §483.12(b)(4) Establish coordination with the QAPI program required under §483.75. [§483.12(b)(4) will be implemented beginning November 28, 2019 (Phase 3)]



CUSTOMER DRIVEN, BUSINESS MINDED.

л

F 607 cont.

- These written policies must include, but are not limited to, the following components:
- Screening;
- Training;
- Prevention;
- Identification;
- Investigation;
- Protection; and
- Reporting/response.



CUSTOMER DRIVEN. BUSINESS MINDED.

5

F-608 Policy and Procedure for reporting crimes

- §483.12(b) The facility must develop and implement written policies and procedures that:
- §483.12(b)(5) Ensure reporting of crimes occurring in federally-funded long-term care facilities in accordance with section 1150B of the Act.



CUSTOMER DRIVEN, BUSINESS MINDED.

Michigan Online Reporting System

- Designed to streamline a way for facilities to report to the State Agency
- MI ACTS in operation since 2014
- Was updated to MI-FRI March 2019
- Used for incident and investigation reporting



CUSTOMER DRIVEN. BUSINESS MINDED.

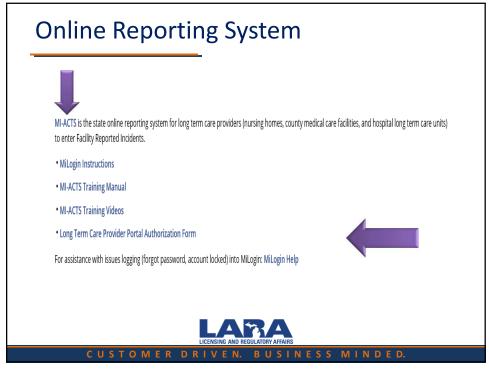
7

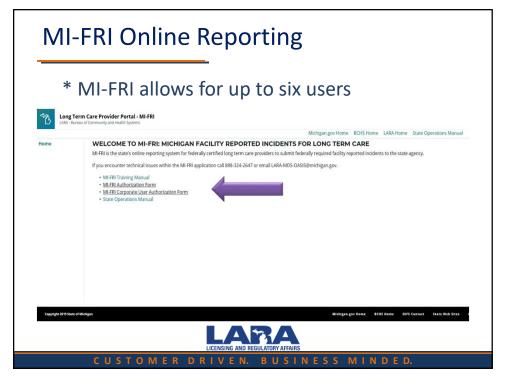
Facility Reported Incidents (FRI)

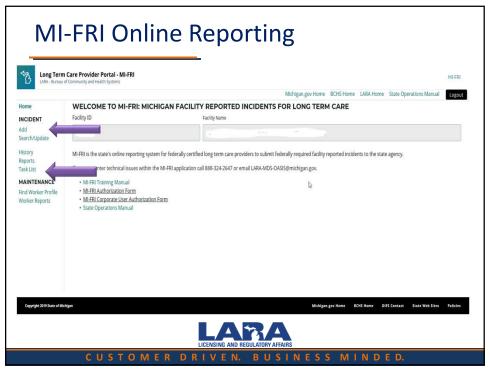
- Link to the LARA Facility Reported Incidents webpage:
 - https://www.michigan.gov/lara/0,4601,7-154-89334_63294_63384_75971---,00.html
- Note: Facilities should always follow any guidance provided by CMS in the State Operations Manual



CUSTOMER DRIVEN, BUSINESS MINDED.







Components of an incident

- The incident submission should include:
 - Facility information populated in MI-FRI
 - The name and date of birth and diagnosis of the resident/victim
 - Whether there was harm
 - Information regarding any perpetrator if known
 - If there were witnesses
 - Incident type and if it was a suspected crime



CUSTOMER DRIVEN, BUSINESS MINDED

Components of an incident

- The incident submission should include con't
 - Date and time incident discovered/occurred
 - Incident summary in accordance with the State Operations Manual
 - Detailed steps taken immediately in response to the allegation
 - If law enforcement or other agency notified
 - Any attachments can be added here at this time



CUSTOMER DRIVEN. BUSINESS MINDED.

13



Components of an investigation

- A thorough investigation includes, but is not limited to:
 - Facility information (moved from the incident submission)
 - Date, time, location of occurrence
 - Narrative summary of incident/investigation
 - · Describe what occurred, when and where
 - Identify who reported the allegation if known
 - Describe the outcome



CUSTOMER DRIVEN. BUSINESS MINDED.

15

Components of an investigation

- Indicate if the incident was reported to another agency and if so, and any known outcome from that reporting
- Provide and document information obtained in statements/interviews from:
 - The alleged victim or responsible party
 - Witnesses if observed or has knowledge of the alleged incident/injury. Document the date and time.
 - The alleged perpetrator
 - Staff responsible for oversight, supervision or the location where the victim/resident resides



CUSTOMER DRIVEN, BUSINESS MINDED.

Components of an investigation

- Document the conclusion of the investigation
 - If available within 5-day timeframe, provide summary information from the investigation related to the incident, such as hospital/medical progress notes/orders and discharge summaries, law enforcement reports, death reports as applicable, the resident's clinical record documentation such as relevant portions of the RAI, the resident's care plan, nurses notes, social services notes, lab reports, x-ray reports, physician or other practitioner reports or reports from other disciplines that are related to the incident.



CUSTOMER DRIVEN. BUSINESS MINDED.

17

Components of an investigation

- Indicate whether the incident was:
 - Substantiated the allegation was verified by the evidence collected during the investigation
 - Unable to Substantiate indicate and describe why the allegation was unable to be verified based on the investigation
 - Inconclusive If it was identified as inconclusive provide documentation on how this was determined



CUSTOMER DRIVEN, BUSINESS MINDED.

Components of an investigation

- Include any corrective actions taken
 - Describe any actions taken as a result of the investigation.
 - Describe the plan for oversight and implementation of corrective actions if the allegation is verified
 - Describe what, if any, system changes were identified and needing correction and the steps taken
- Attach copies as desired in the MI FRI portal



CUSTOMER DRIVEN. BUSINESS MINDED.

19

Questions LICENSING AND REGULATION AFFAIRS CUSTOMER DRIVEN. BUSINESS MINDED.



Investigations by Facilities

Spectrum Health Rehab and Nursing Center – Fuller Ave.

21



Agenda

Facility Statistics and History

Performance Improvement Project Completed

Abuse Policy

Investigation Process

22



Facility Statistics and History

The Facility: 250 licensed bed building in Grand Rapids.

The Patients: Mostly long term care residents. Majority of which are 60 years old or less, male and have a psych diagnosis.

We have had a wide variety of investigations being completed.

23

23



Performance Improvement Project Work

Problem: We had various versions of investigations being completed while lacking a standard within the facility. The FRIs were occurring at a rapid pace and were taking a large amount of staff time to complete. FRIs were resulting in frequent surveys.

24



Abuse Policy and Procedure

```
F607
(Rev. 173, Issued: 11-22-17, Effective: 11-28-17, Implementation: 11-28-17)

§483.12(b) The facility must develop and implement written policies and procedures that:

§483.12(b)(1) Prohibit and prevent abuse, neglect, and exploitation of residents and misappropriation of resident property,

§483.12(b)(2) Establish policies and procedures to investigate any such allegations, and

§483.12(b)(3) Include training as required at paragraph §483.95,

§483.12(b)(4) Establish coordination with the QAPI program required under §483.75.

[§483.12(b)(4) will be implemented beginning November 28, 2019 (Phase 3)]
```

25



Abuse Policy and Procedure

- 1) Purpose proper screening, training, prevention, etc
- 2) Responsibilities staff responsible for screening, etc.
- 3) Definitions abuse, abuse coordinator, criminal sexual abuse, exploitation, law enforcement, reasonable suspicion of a crime, retaliation, and serious bodily injury.

26



Abuse Policy and Procedure

- 4) Policy
 - a) Screening employees, residents and patients
 - b) Training
 - c) Prevention
 - d) Identification
 - e) Reporting/Response
 - f) Investigation
 - g) Protection of residents/patients during the investigation

27

27



Investigation Process

- 1) Secure the Patient/Resident(s)
 - Separate residents
 - Evaluate environmental factors
- 2) Remove the alleged perpetrator and interview them
 - Notify HR and staffing
- 3) Call the Administrator
 - Use SBAR format

28



Investigation Process

- 4) Submit the 2 hour report
 - Take a screen shot as proof of submission
- 5) Notify law enforcement, if applicable
- 6) Review patient evaluation
 - Clinical note is entered when applicable for a skin and/or pain evaluation
 - Consider if future evaluations are needed

29

29



Investigation Process

- 7) Conduct interviews
 - Including the affected resident(s), witnesses (anyone who saw or heard it), anyone with first-hand knowledge, resident's assigned nurse and/or CNA, and sample residents.
- 8) Notify med staff if needed
 - Obtain orders for treatment if needed.

30



Investigation Process

- 9) Notify guardian/family, if appropriate
- 10) Fill out an incident report for each involved resident
- 11) Enter a clinical note for each involved resident
 - Detail the event / allegation.
 - Include mention of notifications made to Administrator, med staff, guardian, law enforcement and social work as needed.
- 12) Complete the Event Summary & Investigation Worksheet
 - This is our worksheet that collects all the information related to the event and is submitted as part of the final investigation.

31

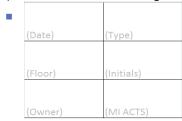


Investigation Process

- 13) Submit the 24 hour report
- 14) Make a FRI folder



15) Fill out a FRI tracking lane on facility whiteboard



32



Daily Touch base

Daily leadership "stand-up" meeting includes a review of current and pending FRIs.



33



Investigation Process

- 16) Complete the 5 day investigation
- 17) Final review of FRI before submission
- 18) Submit final investigation report
 - The final Event Summary Worksheet is saved and submitted with all applicable attachments.
- 19) Add follow-up to the incident report
- 20) Update FRI ticket tracker

34

		SPECTRUM HEALTH
Event Summa	ary Workshe	et
		SPECTRUM HEALTH
Event Summary and Inv	estigation Worksheet	
b. Describe what allego		on/Misappropriation Sexual CPR Coagulation (PT/INR) Suspicious Death Other:
Date the Incident Occu Time the Incident Occu Date Alleged Incident v	vas Discovered/Reported: Click here vas Discovered/Reported:	er a date.

	SPECTRUM HEALTH
Event Summary Worksheet	
d. Who is the Alleged Victim (Resident Name); Interviewed Resident:	
BIMS Score: Cognitive Status of Resident 1: A/O x 1 A/O x 2 A/O x 3 A/O Developmentally Disabled Comatose Confused University	
Is Resident his/her own legal representative: Yes No Ambulatory Status of Resident/Patient 1:	
☐ Bedfast ☐ Dependent/Assist ☐ Independent ☐ Unknown ☐ Wheelchair	☐ Supervised
Resident's Activity at time of Incident: Ambulating Crowded Area Lying in Bed Getting up from chair Reaching Toileting Transfer/Assist Unknown Resident's Current Location: Facility Home Hospital Other	☐ Getting out of bed ☐Standing/Sitting Still ☐ Other:
, , , , , , , , , ,	

	SPECTRUM HEALTH
Event Summary Workshe	eet
e. Alleged Perpetrator OR □N Alleged Perpetrator Name or Description if Interviewed Alleged Perpetrator: □Yes	funknown:
Perpetrator is: Visitor: Relationship to Patient: Contact Information: Staff: Position/Title:	Eno-dimension Eno-NyA
Spectrum Health Employee: Removed From Duty: IF yes, Date □Other:	☐ Yes ☐ No, Agency: ☐ Yes ☐ No & Time Removed:
□ Resident DOB: Medical History/Diagnosis:	
37	

	SPECTRUM HEALTH
Event Summary Worksheet	
BIMS Score: Cognitive Status: A/O x 1 A/O x 2 A/O x 3 Developr Comatose Confused Unknown Other Ambulatory Status: Bedfast Dependent/Assist Independent Unknown Wheelchair Physical Injury/Harm: Yes No	mentally Disabled
Reddened Area	☐ Laceration ☐ Fracture ☐ Confinement ☐ Other:
Skin Assessment Performed: Yes (See attached Skin Assessment Form) Pain Assessment Performed: Yes (See attached Pain Assessment Form) Psychosocial Change: No If Yes: Describe Psychosocial Changes: Describe Psychosocial Treatment:	
38	



Event Summary Worksheet

Yes	
Reddened Area Bruise/Hematoma Laceration Strain/Sprain Dislocation Fracture Burn Infection Confinemer Decline in Condition Death Other: Skin Assessment Performed:	_
Strain/Sprain □ Dislocation □ Fracture □ Burn □ Infection □ Confinemer □ Decline in Condition □ Death □ Other: Skin Assessment Performed:	
☐ Burn ☐ Infection ☐ Confinemer ☐ Decline in Condition ☐ Death ☐ Other: Skin Assessment Performed:	n
☐ Decline in Condition ☐ Death ☐ Other: Skin Assessment Performed:	
Skin Assessment Performed:	nent
out / to continue	
Pain Assessment Performed:	
☐ Yes (See attached Pain Assessment Form) ☐ N/A	
b. Psychosocial Change:	
□Yes □No	
If Yes:	
Describe Psychosocial Changes:	
Describe Psychosocial Treatment:	
c. Med staff notified. See #4.8.5 below	

39



Event Summary Worksheet

4. & 5. Notifications made & documented in clinical note:

	YES	N/A	Date	Time
Administrator			Click here to enter a date.	
Med Staff (Resident 1)			Click here to enter a date.	
Med Staff (Resident 2)			Click here to enter a date.	
Family/Guardian (Resident 1)			Click here to enter a date.	
Family/Guardian (Resident 2)			Click here to enter a date.	
Law Enforcement (GRPD)			Click here to enter a date.	

Name of Law Enforcement Organization: GRPD Officer Name & Badge # (if available):

Report #(if available):

Facility Incident Report (ERS) #:

IF Resident to Resident Incident, 2nd Facility Incident Report (ERS)#:

Check one of the two below options and complete the section:

Event was determined NOT to be a reportable event

Why:

 $\hfill\Box$ Event was determined to be a reportable event If yes, proceed on to further investigative process.

MI ACTS #:



Event Summary Worksheet

- 6. Provide details from potential witnesses to the alleged incident Interview Staff & Witnesses Interviewed:
 - Staff in direct care of resident(s) at time of alleged incident.
 - Staff providing care 24 hours prior to alleged incident that may have seen or heard anything.
 - Witness(es) in same room/immediate vicinity of alleged incident.

Name	Staff (Position/Title)	Resident	Other (Describe)

Yes N/A

- $\hfill \square$ Attached Staff assignment schedule(s) for date/time of the alleged incident.
- ☐ Attached Interviews conducted.

41

41



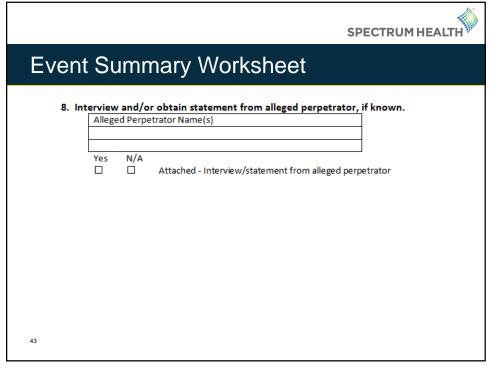
Interview and/or obtain statement from affected resident(s).
 Resident Name(s)

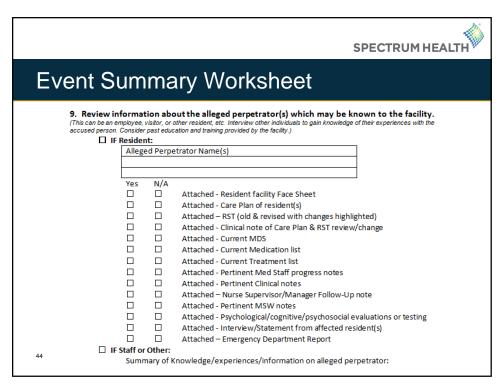
Yes	N/A	
		Attached - Interview/Statement from affected resident(s)
		Attached - Resident facility Face Sheet
		Attached - Care Plan of resident(s)
		Attached - RST (old & revised with changes highlighted)
		Attached - Clinical note of Care Plan & RST review/change
		Attached - Current MDS
		Attached - Current Medication list

- Attached Current Treatment list

 Attached Pertinent Med Staff progress notes
- Attached Pertinent Clinical notes
- ☐ ☐ Attached Nurse Supervisor/Manager Follow-Up note ☐ ☐ Attached Pertinent MSW notes
- □ Attached Psychological/cognitive/psychosocial evaluations or testing
 □ Attached − Emergency Department Report

4



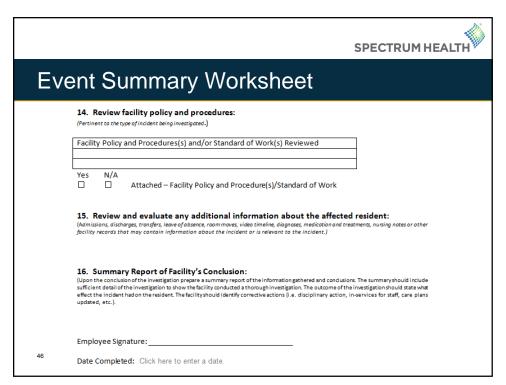




Event Summary Worksheet

		<i>y</i>			
10.	Review of environme (Pertinent information rega	nt and surroundings. ording physical setting/environment,	surroundings of alleged	incident)	
11.	_	volve potential abuse: kind of evaluation, intervention, and	□Yes /or treatment was provid	□No ied.	
12.	_	volve potential neglect: nember(s), the length of time involved	☐ Yes , and negative outcomes	□No of the affected resident. Be spe	cific.
13.	IF YES, Yes N/A □ □ Attac	volve potential exploitation ched – Inventory Checklist ched – Resident Trust Accour		ion: □Yes □N	0
45	Consider resident recent locatio	ms and their approximate value. Obtain c ins, such as, external facilities (haspital, such as laundry services, agency staff,	transportation, physician o	office, restaurant, store, etc.).	

45





Investigation Step #15 Example

Resident A is a 65 year old female and has been a resident at Spectrum Health Rehab and Nursing Center – Fuller since 11/19/2016. She has not had any recent room changes. Resident A has diagnoses of unspecified intellectual disabilities, unspecified dementia with behavioral disturbance, fetal alcohol syndrome, muscle weakness, chronic kidney disease, unspecified convulsions, anemia, OSA, Hypothyroidism, unspecified psychosis not due to a substance or known physiological condition, acute kidney failure, heart disease, history of UTI, Restlessness and agitation, constipation, insommia, anxiety disorder and adult failure to thrive. Resident A has the mental capacity of a 6 year old. She has a history of low impulse control and frustration tolerance. Resident typically seeks attention through her negative behaviors such as yelling and/or crying out and will state "someone hit me". These behaviors are care planned. Resident A is followed by Psychology services and Behavioral Care Specialists. Resident A was recently prescribed Levothyroxine 25mcg for hypothyroidism, which could be impacting mood.

Resident B is a 65 year old male and has been a resident at Spectrum Health Rehab and Nursing Center Fuller since 2/2/2012. Resident B has not had any recent room changes. Resident B has diagnoses of chronic pulmonary edema, unspecified intracranial injury, post aspiration for localized swelling, mass and lump of the trunk, respiratory failure, iodine deficiency related diffuse goiter, Type 2 diabetes, COPD, anemia, other schizophrenia, hyperlipidemia, GERD, constipation, hypomagnesemia, HTN, cataract unspecified eye. Resident B at times displays behavioral disturbances and agitation with verbal outbursts, threatening gestures, and refusal to cooperate with care plan. He also has a history of verbal arguments with other residents. Resident B at times displays inappropriate emotional regulation and has low impulse control and frustration tolerance. These behaviors are care planned. Resident B has not had any recent medication changes.

Interviews with both residents and staff, suggest an interaction did occur between Resident A and Resident B while they were attempting to enter the tv lounge at the same time. According to a witness, some yelling was heard in the hallway. However, there were no witnesses to any physical contact between the two residents with the exception of Resident B being seen moving Resident A's wheelchair out of the way. Physical assessments of both residents noted no evidence of any physical contact. Also follow up visits found both residents appearing to remain at baseline with no adverse effects and both confirmed feeling safe in the facility.

47



Investigation Step #16 Example

The investigation determined the allegation <u>was not substantiated</u>. A decisive conclusion was made <u>the event was NOT the result</u> of abuse, neglect, mistreatment or misappropriation. This incident was not witness by any staff member and each resident is alleging the other resident hit them. There was no injury noted to either resident.

The facility took the following steps to investigate the event:

- Interviewed Resident A
- Assessed Resident A for injury
- Interviewed Resident B
- · Assessed Resident B for injury
- Reviewed the clinical record including lab work, treatments and medication regimen
- Interviewed appropriate staff.

The facility determined the contributive factors to the allegation were Resident A's developmental delay, low impulse control and frustration tolerance, short term memory of about 2-3 minutes, and mental capacity of a 6 year old which often results in challenging interactions between herself and other residents which continue to be addressed in her care plan and RST. Other contributive factors to the allegation are Resident B's low impulse control and frustration tolerance when it comes to interacting with residents and staff, which is also care planned.

48



Any Questions?

Cheryl Howlett, LTC Division Survey Manager howlettc@michigan.gov

Amy Sells, Administrator amy.sells@spectrumhealth.org

49

49

